

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY vs. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: U.S. Army Corps of Engineers, Sacramento District

FILE NUMBER: 200175571

REGULATORY PROJECT MANAGER: Lesley McWhirter

DATE: September 28, 2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the Office (y/n) Y

Date: 12-March-2002

At the project site (y/n) N

PROJECT LOCATION INFORMATION:

State: Colorado

County: La Plata

Center coordinates of site by latitude & longitude coordinates: Latitude 037° 08' 3 N", Longitude 107° 53' 23 W"

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed: Animas River

SITE CONDITIONS:

| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|--|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mudflat | | | | | | | | | |
| Sandflat | | | | | | | | | |
| Wetlands | | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie pothole | | | | | | | | | |
| Wet meadow | | | | | | | | | |
| Playa lake | | | | | | | | | |
| Vernal pool | | | | | | | | | |
| Natural pond | | | | | | | | | |
| Other Water (identify type) | | | | | | | | | |
| ¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area. | | | | | | | | | |

| Migratory Bird Rule Factors ¹ | If Known | | If Unknown (Use Best Professional Judgement) | | |
|--|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | |
| Is or would be used as habitat for endangered species? | | | | | |
| Is used to irrigate crops sold in interstate commerce? | | | | | |
| ¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area. | | | | | |

TYPE OF DETERMINATION: Preliminary ☒ Or Approved

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):